

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMMETT WESSON,

Defendant.

NO. CR-01-6027-RHW

**ORDER DENYING  
DEFENDANT'S MOTION FOR  
REDUCTION OF SENTENCE  
UNDER 18 U.S.C. § 3582(c)(2)**

Before the Court is Defendant's Motion for Reduction of Sentence under 18 U.S.C. § 3582(c)(2), and to Strike Illegal Portion of Sentence (Ct. Rec. 109). The motion was heard without oral argument.

Defendants moves the Court to reduce his sentence imposed based on the disparity between crack cocaine and powder cocaine. While it is true that the recent amendments to the sentencing guidelines permit the Court to amend the sentence of those Defendants sentenced based on crack cocaine amounts, Defendant's sentence was not based on the quantity of crack cocaine that he distributed. Rather, Defendant was sentenced based on Chapter 4, Career Criminal provisions. The amendments do not have any effect upon Defendant's sentence.

In his Traverse, Defendant recognizes that the Amendments do not apply to career criminal sentences. Nevertheless, Defendant asserts that he is serving an illegal sentence because the Court never verbally imposed a length of imprisonment upon him. To the extent that Defendant is challenging the manner in which the sentence was imposed, such a claim is untimely.

**ORDER DENYING DEFENDANT'S MOTION FOR REDUCTION OF  
SENTENCE UNDER 18 U.S.C. § 3582(c)(2) ~ 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's Motion for Reduction of Sentence under 18 U.S.C. §  
3 3582(c)(2), and to Strike Illegal Portion of Sentence (Ct. Rec. 109) is **DENIED**.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
5 Order and provide a copies to Defendant, counsel and the U.S. Probation.

6 **DATED** this 26<sup>th</sup> day of March, 2008.

7  
8 *s/Robert H. Whaley*

9 ROBERT H. WHALEY  
10 Chief United States District Judge

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